

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 14-27 are new and in the application. Claims 1-13 have been canceled. No new matter has been added.

The Examiner rejected claims 1-4, 7, 8 and 10 under 35 U.S.C. 102(b) as being anticipated by *Engel et al. U.S. Patent No. 6,119,697*, and rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over *Engel et al.* Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Engel et al.* in view of *Lucas et al. U.S. Patent No. 5,762,996*, and claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Engel et al.* in view of *Cioanta et al. U.S. Patent Application Publication No. 2004/0236365*. Applicants respectfully traverse.

Applicants have canceled claims 1-13 and have rewritten them as new claims 14-27. In addition, new claim 14 contains the features that the closure part can be moved out of the sealing contact solely in response to a hydraulic impact by actuating the activation balloon, by hydraulic pressure built up at a closure wall of the connection channel at the proximal end segment; and wherein the closure wall of the connection channel is opposite to an activation surface of the closure part and is pressed out of

the connection channel in an axial direction by the hydraulic pressure so that the urine-emptying channel of the catheter is opened by the closure part for unhindered passage of urine. New claim 27 is identical to claim 18, but depends from claim 16 instead.

Support for these features can be found in the drawings in FIGS. 3-5, and in paragraphs [0033]-[0035] of the published application.

In contrast to this principle of sealing and opening the valve in the device according to the present invention, *Engel* teaches a different principle for actuating a valve 16. *Engel* comprises a hydraulic mechanism and a mechanical mechanism combined with the hydraulic mechanism as can be seen clearly from Fig. 3, 4 and 5 of *Engel*.

The aforementioned hydraulic mechanism of *Engel* includes an actuating balloon 11 (in Fig. 1) or 27 (in Fig. 2) and a semi-balloon 15 which is connected through a channel 13 with the balloon 11.

The aforementioned mechanical mechanism of *Engel's* device includes a resilient elastic baton or bar 32 and a tissue 74 at

the proximal end 3 of said device. This tissue 74 covers the semi-balloon 25 and causes a traction of the baton or bar 32 when the semi-balloon 15 is pressurized by actuating the balloon 11. Through this transforming of the hydraulic pressure into a mechanical movement of the baton or bar 32 like a hunting bow, the valve 16 is opened as can be seen from Fig. 5 of *Engel*.

This principle of sealing and opening the valve 16 is described in column 5, line 42 to line 63 of the *Engel* patent.

As is stated in the introductory part of the description of the present application (see paragraph [0002]) there was a problem observed with *Engel's* treatment device. This problem resulted from the exertion of a high mechanical pressure. However, this problem could be solved by using the above-explained principle of sealing and opening the valve according to the present invention. According to the invention, the principle of sealing and opening the valve works without mechanical means, and only with a hydraulic mechanism.

With this principle, the subject matter of new claim 14 differs from the treatment device according to *Engel*. Furthermore, this principle is not obvious in view of *Engel*. *Engel* does not include any indication or suggestion to omit the

mechanical mechanism and to modify the hydraulic mechanism. The reason why such indication or suggestion cannot be found in *Engel* is that *Engel's* treatment device would not work by omitting the mechanical mechanism and using only the hydraulic mechanism. As explained above, the actuation of valve 16 of *Engel* can function only with the combination of the hydraulic mechanism and the mechanical mechanism. Another mechanism for the actuation of the valve is not disclosed in *Engel*.

*Vega* (US 4,249,536) teaches an urological catheter which can be opened at its distal end by pulling two hinged tip segments 28 by two string members 25 (Fig. 1 to 5) or by pulling one displaceable tip section 42 by a single string member 45 (Fig. 7). The treatment device according to the invention is clearly different. Moreover, *Vega* does not include any feature by which the construction of *Engel* could be modified in a meaningful manner.

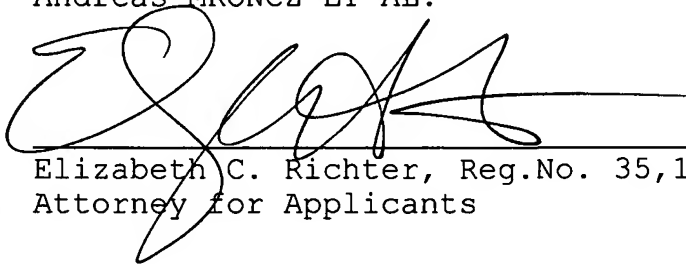
*Lucas* (US 5,762,996) teaches how to make balloons for a catheter having an expandable silicone balloon on the distal end thereof to facilitate the removal of thrombus (clots) or gall stones from a vessel, for occluding a vessel or for securing the catheter within a vessel for the irrigation or drainage of fluid through the catheter. The construction of this known catheter

is, however, also quite different from the construction of the treatment device according to the present invention. In addition, *Lucas* does not include any feature either by which the construction of the *Engel* patent could be modified in a meaningful manner.

*Cioanta* (US 2004/0236365 A1) teaches a catheter for the insertion into a body lumen, such as the male urethra, with an inflatable balloon device that surrounds a tubular body 41 which is provided with holes extending from the hollow inside of the body to the exterior. Through these holes, a therapeutic agent can be administered to localized tissue. It is noticed that as medium for inflating the balloon device, oil can be used. However, the construction of this known catheter is also quite different from the construction of the treatment device according to the invention. In addition, *Cioanta* does not include any valve which could be used with the construction of the *Engel* patent.

Accordingly, Applicants submit that claims 14-27 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,  
Andreas MRONCZ ET AL.

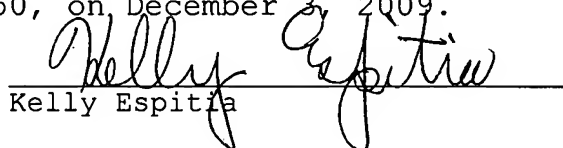


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